DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-107; Amdt. 192-87]
RIN 2137-AB50

Determining the Extent of Corrosion on Gas Pipelines

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: This final rule requires that when gas pipeline operators find harmful external corrosion on buried metallic pipelines that have been exposed, they must investigate further to determine if additional harmful corrosion exists in the vicinity of the original exposure. Further investigation can help determine the significance of the initial corrosion discovery. The new requirement may prevent accidents due to corrosion that might otherwise go undetected near an exposed portion of pipeline.

EFFECTIVE DATE: This final rule becomes effective November 22, 1999.

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portion for evidence of external corrosion, if the pipe is bare or has a deteriorated coating (49 CFR 192.459). In a notice of proposed rulemaking (NPRM) (54 FR 27041; June 27, 1989), RSPA proposed to amend this safety standard to require that when corrosion requiring remedial action is found, the operator must investigate further to determine the extent of the corrosion. The proposed rule did not specify the method or scope of further investigation.

The proposed rule was in response to a rulemaking recommendation the National Transportation Safety Board (NTSB) made after its investigation of a major gas pipeline accident that occurred February 21, 1986, in Lancaster, Kentucky. As discussed in its report of the investigation (NTSB/PAR-87-01), NTSB found that the accident could be attributed to inadequate inspection of the pipeline when it was excavated some time before the accident. Although the operator's visual inspection showed corrosion potentially requiring remedial action, the inspectors did not look for corrosion adjacent to and below the portion of pipe that had been exposed. The location of the failure was only about one foot from the location of the last corrosion pit measured when the pipe was uncovered.

The proposed rule also would conform §192.459 with 49 CFR 195.416(e), the comparable hazardous liquid pipeline safety standard. Under this latter standard, if harmful corrosion is discovered on certain exposed hazardous liquid pipelines, the operator is required to investigate further to determine the extent of the

ciation of America (INGAA); one was from the Public Utility Commission of Oregon; and one was from NTSB.

Many operators thought the proposed rule was reasonable. They said it was consistent with their standard operating practices.

At the same time, other operators felt existing §192.459 implies an obligation to investigate the extent of harmful corrosion, making the proposed rule redundant. We disagree, however, because of the difference between §192.459 and §195.416(e). The present wording of §192.459 does not explicitly require further investigation, while §195.416(e) does explicitly require further investigation. This difference in regulatory terms definitely weakens the argument that §192.459 implicitly requires further investigation.

Only three commenters, all operators, opposed the proposed rule. One of these commenters thought the proposal was unnecessary because other part 192 standards adequately cover corrosion control. However, we think the Lancaster accident shows the need for the proposed rule. If the operator's inspectors had fully investigated the pipeline in the vicinity of the excavation, they could have discovered the harmful corrosion that led to the subsequent accident. Their failure to do so was not contrary to any other part 192 corrosion control standard.

The second commenter said the proposal would discourage operators from exposing and inspecting pipelines. But considering the overriding need for excavations in maintaining or constructing buried pipelines, we

comply with the rule. Yet the proposed rule was intentionally designed to permit varying approaches to compliance because of the different conditions that are encountered at excavation sites. Assuming each operator's approach is sufficient to determine the extent of harmful corrosion found at an excavation, the rule should be effective overall.

The Public Utility Commission of Oregon commented that exposed pipe should be investigated further whenever any corrosion is observed, even if the corrosion does not need remedial action. Although the aim of this comment is increased safety, we do not think it would be sensible to require operators to explore beyond the original excavation unless harmful corrosion has been observed. Otherwise, there would be no reasonable expectation that any further investigation might be productive.

Many commenters addressed the method of investigation that would be required for compliance. Most of these commenters, including AGA, liked the performance-type wording of the proposed rule, which would permit operators to use any appropriate method. A few operators, however, were concerned that the proposed rule inadequately defined the method of investigation. These commenters wanted the rule to specify particular methods, such as enlarging the excavation, digging potholes, searching corrosion and leak history records, or running an electrical survey, special leak survey, or in-line inspection. They argued that specifying methods would clarify the operator's discretion in choice of method and avoid potential disputes with gov-

have slightly modified the wording of the proposed rule to avoid possible confusion on this point. The final rule states that indirect methods may be used as well as visual examination to carry out the further investigation. We have not listed particular methods since the alternatives to excavation and visual examination for determining the presence of corrosion are well known. Also, mentioning acceptable methods could unnecessarily limit the use of new technologies.

A majority of the commenters addressed the scope of "further investigation." About half of these commenters, including AGA, were pleased that the performance-type wording of the proposed rule would leave this decision to the operator's discretion. However, most of the remaining commenters were worried that the performance-type wording could be interpreted to require endless investigation of a buried pipeline for corrosion. To limit the investigation, these commenters suggested various changes to the proposed rule. One operator suggested the rule require only a reasonable effort. Several commenters, including INGAA, suggested restricting the investigations to corrosion that is "within and continuous beyond the bounds of the exposed portion of the pipeline." Others suggested limiting the investigations to corrosion that is "contiguous" with the original excavation. In contrast, NTSB urged us to require that investigations include the entire circumference of pipe irrespective of corrosion continuity.

The issue of how far to carry an investigation of harmful corrosion found at an excavation was discussed

would allow operators to use their own judgment on where to stop investigating for corrosion. Although many commenters, including AGA, supported this approach, we are sensitive to the position that the proposed rule could be interpreted to set in motion a seemingly endless search for harmful corrosion on some pipelines.

We agree that only a reasonable effort should be required to find corrosion in the vicinity of an exposed, corroded pipe. Nonetheless, we believe the addition of language indicating that only a reasonable effort be made is unnecessary because performance language always requires a reasonable effort. This approach is consistent with common practice. The final rule language indicates that the operator shall investigate circumferentially and longitudinally beyond the exposed pipe to determine whether additional corrosion exists in the vicinity, as NTSB recommended in its comment.

To further define the required scope of investigation, we have also modified the wording of the proposed rule to make it clear that the investigation is required only in the vicinity of the exposed area. This change is consistent with the purpose of the proposed rule, which was to prevent accidents due to the existence of harmful corrosion near the area of pipe exposure.

A few commenters suggested that the final rule exclude distribution lines on the ground that their lower operating pressures pose less risk than transmission lines. Similarly, one commenter asked us to exclude transmission lines that operate below

reason, we have not excluded distribution lines or low-pressure transmission lines from the final rule.

Advisory Committee Review

We presented the NPRM for consideration by the Technical Pipeline Safety Standards Committee (TPSSC) at a meeting in Washington, DC on September 12, 1989. The TPSSC is RSPA's statutory advisory committee for gas pipeline safety. It has 15 members, representing industry, government, and the public, who are qualified to evaluate gas pipeline safety standards. The TPSSC voted unanimously to find the proposed rule technically feasible, reasonable, and practicable. The TPSSC's report of its consideration of the NPRM is available in the docket.

In addition, in March of this year we invited the current members of the TPSSC to review and comment on the risk assessment information related to the proposed rule, including the estimated costs and benefits included in the Regulatory Evaluation. Of the 15 committee members, only three submitted substantive comments, and these are discussed in the Final Regulatory Evaluation.

One member suggested that we publish another notice of proposed rulemaking in view of the long period since the initial notice. However, as stated above, we recently gave the TPSSC an opportunity to review and comment on the Regulatory Evaluation. We also offered the public an opportunity to comment on the Environmental Assessment of the NPRM (see further discussion below under the National Environmental Policy

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

DOT does not consider this action to be a significant regulatory action under section 3(f) of Executive Order 12866 (58 FR 51735, October 4, 1993), and the Office of Management and Budget (OMB) has not reviewed this rulemaking document. Also, DOT does not consider this action significant under its regulatory policies and procedures (44 FR 11034, February 26, 1979).

We prepared a Final Regulatory Evaluation of the costs and benefits of this action, a copy of which is available in the docket. This Evaluation shows that because the final rule is in keeping with current practices of prudent operators, applies only in limited circumstances, and permits operators to decide both the method and extent of compliance effort, the impact of the final rule should be minimal.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), RSPA must consider whether a rulemaking would have a significant economic impact on a substantial number of small entities. Because this action is in keeping with current practices of prudent operators, applies only in limited circumstances, and permits operators to decide both the method and extent of their compliance effort, I certify that this rulemaking action will not have a significant economic impact on a substantial number of small entities.

RSPA has determined that the final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

D. Executive Order 13084

We have analyzed this final rule in accordance with the principles and criteria contained in Executive Order 13084, "Consultation and Coordination with Indian Tribal Governments." Because the final rule will not significantly or uniquely affect the Indian tribal governments, the funding and consultation requirements of Executive Order 13084 do not apply.

E. Paperwork Reduction Act of 1995

The final rule has no effect on the paperwork burden of operators subject to part 192. The action expands the scope of some inspections for which records are required by 49 CFR 192.491(c), without expanding the burden of that recordkeeping requirement.

F. Unfunded Mandates Reform Act of 1995

The final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It will not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

G. National Environmental Policy

where necessary to safeguard people and the environment.

The public was given 30 days to comment on the Draft Environmental Assessment (64 FR 28136, May 25, 1999), and one comment was received. This comment requested that operators be allowed to use corrosion pigs to locate metal loss due to corrosion in lieu of expanding the excavation. This option is allowed under the final rule.

We have determined that the final rule will not significantly affect the quality of the human environment.

H. Impact on Business Processes and Computer Systems

Many computers that use two digits to keep track of dates will, on January 1, 2000, recognize "double zero" not as 2000 but as 1900. This glitch, the Year 2000 Problem, could cause computers to stop running or to start generating erroneous data. The Year 2000 Problem poses a threat to the global economy in which Americans live and work. With the help of the President's Council on Year 2000 Conversion, federal agencies are reaching out to increase awareness of the problem and to offer support. We do not want to impose new requirements that would mandate business process changes when the resources necessary to implement those requirements would otherwise be applied to the Year 2000 Problem.

This final rule does not require business process changes or require modifications to computer systems. Because the final rule apparently does not affect the ability of organizations

In consideration of the foregoing, RSPA amends 49 CFR part 192 as follows:

1. The authority citation for part 192 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118; and 49 CFR 1.53.

2. Section 192.459 is revised to read as follows:

§192.459 External corrosion control: Examination of buried pipeline when exposed.

Whenever an operator has knowledge that any portion of a buried pipeline is exposed, the exposed portion must be examined for evidence of external corrosion if the pipe is bare, or if the coating is deteriorated. If external corrosion requiring remedial action under §§ 192.483 through 192.489 is found, the operator shall investigate circumferentially and longitudinally beyond the exposed portion (by visual examination, indirect method, or both) to determine whether additional corrosion requiring remedial action exists in the vicinity of the exposed portion.

Issued in Washington, DC, on October 18, 1999.

Kelley S. Coyner,
Administrator.

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